

REMARKS

This is intended as a full and complete response to the Office Action dated September 16, 2008, having a shortened statutory period for response set to expire on December 16, 2008. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1 and 13-17 are pending in the application. Claims 1 and 13-17 remain pending following entry of this response. Claims 1 and 15 have been amended. Applicants submit that the amendments do not introduce new matter. New claim 18 has been added. Applicants submit claim 18 does not add new matter and is allowable for the reasons given below with respect to claims 1 and 15.

Further, Applicants are not conceding in this application that those amended (or canceled) claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the claimed subject matter. Applicants respectfully reserve the right to pursue these (pre-amended or canceled claims) and other claims in one or more continuations and/or divisional patent applications.

Interview Summary

On December 11, 2008, a telephonic interview was held between Gero G. McClellan (attorney of record), Johnny Lam (attorney for Applicants), and Examiner Nathan Price. The parties discussed the cited references including *Ben-Shachar*. Claim 1 was discussed. During the interview, Applicants argued that *Ben-Shachar* does not disclose the claim limitation of converting an application request from an application of a source language to an application of a target language. Although no agreement could be reached at the time of the interview, the Examiner stated that he would review the *Ben-Shachar* reference, in light of the presented arguments.

Claim Rejections - 35 U.S.C. § 112

Claims 1 and 13 -17 contain the trademark/trade names SOAP, Java and 3270. Where a trademark or trade name is used in a claim as a limitation to identify or

describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph.

With this response, Applicants have amended the claims to remove language of “SOAP” and “Java”. Further, Applicants have amended the claims to recite “IBM 3270 Terminal”. Accordingly, Applicants respectfully submit that the rejection is obviated.

Claim Rejections - 35 U.S.C. § 103

Claim 1 and 13 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ben-Shachar* (US 5,761,656) in view of *Deborin* (see PTO-892 mailed 24 August 2007).

Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a prima facie case of obviousness. See MPEP § 2141. Establishing a prima facie case of obviousness begins with first resolving the factual inquiries of *Graham v. John Deere Co.* 383 U.S. 1 (1966). The factual inquiries are as follows:

- (A) determining the scope and content of the prior art;
- (B) ascertaining the differences between the claimed invention and the prior art;
- (C) resolving the level of ordinary skill in the art; and
- (D) considering any objective indicia of nonobviousness.

Once the *Graham* factual inquiries are resolved, the Examiner must determine whether the claimed invention would have been obvious to one of ordinary skill in the art.

Respectfully, Applicants submit that the Examiner has not properly characterized the teachings of the references and/or the claims at issue. Accordingly, a prima facie case of obviousness has not been established.

For example, the Examiner suggests that *Ben-Shachar* discloses “converting the application request from the first language of the first end user application to a form for the language running on the application server.” Specifically, the Examiner asserts as follows:

As to claim 1, *Ben-Shachar* discloses transmitting the application request to the server and converting the application request from the first language of the

first end user application to a form for the language running on the application server (col. 5 lines 3 – 12)

Office Action, page 5. However, the cited portion of *Ben-Shachar*, and in fact *Ben-Shachar* as a whole, fails to disclose anything at all about “converting the application request from the first language of the first end user application to a form for the language running on the application server.” To illustrate, the cited passage in *Ben-Shachar* is set forth below:

At the stage illustrated in FIG. 2B, the user executes application 120. The user uses mouse 230 and/or keyboard 220 to interact with application 120 via GUI server 210 and GUI module 190. Execution manager 150 receives from application 120 requests to access database 130. Execution manager 150 reads mapping file 160 and constructs mapping objects which translate the application requests into formats of database 130. The DB 130 formats are defined by the DB API. The DB API includes embedded SQL interface in some embodiments.

Upon reviewing *Ben-Shachar* in its entirety, it becomes evident that *Ben-Shachar* is directed to mapping form fields to database columns. In other words, “translat[ing] the application requests into formats of [the] database” is nothing more than mapping input and output fields of a form (such as of a HTML form or a PDF form) to specific database columns. Significantly, mapping form fields to database columns in no way teaches converting an application request from an application of one language to an application of another language. Thus, contrary to the Examiner’s suggestion, *Ben-Shachar* does *not* disclose “converting the application request from the first language of the first end user application to a form for the language running on the application server.” On this basis alone, Applicants submit that the rejection is defective and should be withdrawn.

Even more significant is that the teaching of *Ben-Shachar* (i.e., mapping form fields to database columns) constitutes a wholly distinct problem domain than converting an application request from one language to another. Illustratively, *Ben-Shachar*, on its own terms, applies only to applications that use predefined interface rules. Specifically, a relevant portion of *Ben-Shachar* states:

The present invention provides an application/database interface for applications built with any tools, or without any tools, as long as the applications use predefined interface rules for requests that they generate for databases and for responses that they accept in response to the requests. The interface rules include request/response formats and/or application programming interface (API)

for obtaining requests and request fields and for providing responses and response fields.

Ben-Shachar, col. 2, lines 20-28 (emphasis added). Thus, on its own terms, *Ben-Shachar* is directed to the solution of providing an application/database interface for applications that use predefined interface rules for requests and responses. Thus, the problem and solution of *Ben-Shachar* are at an *application* level. In fact, *Ben-Shachar*, *imposes, as a precondition, the absence of language-level incompatibilities* by assuming that the applications follow predefined interface rules. See *id.*

In contrast, Applicants' disclosure is directed to the solution of a wholly distinct problem domain of integrating applications (such as legacy applications) developed using disparate programming languages and that do not adhere to any common interface. Unlike the applications of *Ben-Shachar*, these legacy applications cannot themselves (as a practical matter) be modified to use any common interface. Moreover, Applicants' disclosure is directed to the intricacies of converting application requests at a *language* level (i.e., at a level that sensitive to the language involved), not at an *application* level as is in *Ben-Shachar*. Thus, for the reasons set forth above, individually and collectively, *Ben-Shachar* addresses a wholly distinct problem domain than that addressed by Applicants' disclosure. Accordingly, Applicants respectfully submit that the rejection is defective and should be withdrawn.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. McClellan, Reg. No. 44,227/

Gero G. McClellan
Registration No. 44,227
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)